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REMARKS

The Applicants thank the Examiner for the examination of the present application. By way of summary, Claims 1-12 and 43 were pending in this application. In the Final Office Action mailed September 15, 2005, the Examiner rejected Claims 1-12 and 43. In particular, the Examiner rejected Claims 1-12 and 43 under 35 U.S.C. § 112, second paragraph, rejected Claims 1-2, 5-10, and 43 under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 5,403,639 to Belsan et al. ("Belsan"), rejected Claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over in view of Belsan in view of U.S. Patent No. 6,502,174 to Beardsley et al. ("Beardsley"), and rejected Claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Belsan in view of U.S. Patent No. 5,884,098 to Mason Jr. ("Mason").

This Amendment amends Claims 1-10 and 43 and adds Claims 59-61. Claims 11-12 remain as previously presented. Thus, after entry of this Amendment, Claims 1-12 and 59-61 remain pending

A.   New Claims

New Claims 59-61 have been added to more fully define the Applicants' invention and are believed to be fully distinguished over the prior art of record. As set forth above, Claims 59 includes:
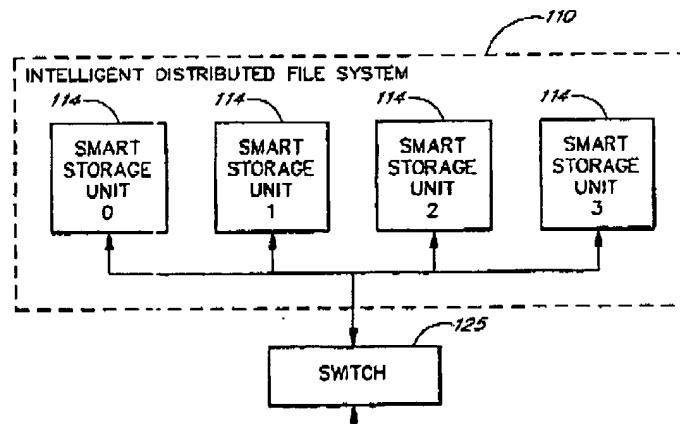
"a plurality of data storage units, each data storage unit having a processor module associated therewith;"

"a switch module in communication with said plurality of data storage units, said switch module configured to route read queries to and receive responses from any one or more of said plurality of data storage units;" and

"each of said plurality of data storage units having sufficient information about where data is stored on all of said plurality of data storage units to respond to and implement read commands on behalf of the system including all of said plurality of data storage units, wherein said system is configured to ordinarily store an incoming file across more than one of said plurality of data storage units and said switch module may select any one of said plurality of data storage units to receive read queries on behalf of the system."

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The present application fully supports and discloses the elements of Claim 59. For example, Figure 1 discloses one embodiment of a plurality of data storage units and one embodiment of a switch module in communication with the plurality of data storage units.

In addition, paragraph 60 discloses one embodiment of a switch module that routes read queries to and receives responses from any one or more of said plurality of data storage units. Paragraph 60 also discloses an embodiment in which each of the plurality of data storage units can respond to and implement read commands on behalf of the system and in which the switch module may select any one of said plurality of data storage units to receive read queries on behalf of the system. Further, Figure 9 discloses one embodiment of storing a file across more than one of said plurality of data storage units. Accordingly, all of the claimed features of Claim 59 are fully supported by the application.

The example citations to support in the present application are exemplary and it is recognized that other portions of the present application provide support for these and other embodiments of Claim 59.

In addition, none of the prior art of record discloses the features of Claim 59. For example, Belsan, alone or in combination with Beardsley or Mason, does not disclose "a plurality of data storage units, each data storage unit having a processor module associated therewith," or "a switch module in communication with said plurality of data storage units, said switch module configured to route read queries to and receive responses from any one or more of said plurality of data storage units," or "each of said plurality of data storage units having sufficient information about where data is stored on all of said plurality of data storage units to respond to

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and implement read commands on behalf of the system including all of said plurality of data storage units, wherein said system is configured to ordinarily store an incoming file across more than one of said plurality of data storage units and said switch module may select any one of said plurality of data storage units to receive read queries on behalf of the system."

Claims 60-61 depend from and include all of the limitations of Claim 59 and are patentable for the same reasons discussed above with respect to Claim 59.

Accordingly, the Applicants respectfully request that the Examiner pass Claims 59-61 to allowance.

B.   Cancelled Claims

In the Office Action, the Examiner noted a typing error of the Amendment filed on June 27, 2005. As set forth by the Examiner, Claims 13-42 and 44-58 were previously cancelled without prejudice or disclaimer.

C.   Discussion of Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected Claims 1-12 and 43 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully disagree with the Examiner's rejection and respectfully traverse this rejection. However, in light of Applicants' amendments, most of these rejections are no longer at issue.

1.   Claim 1

As to Claim 1, the Examiner states that "it is unclear what the claimed 'a first program module' and 'a second program module' referred to [i.e., the instant specification discloses at least the following: 1) Block Allocation Manager Module, 2) Block Cache Module, 3) Local Block Manager Module, and 4) Remote Block Manager Module, which one is the first and second module?" Applicants have previously addressed the Examiner's arguments, and Applicants maintain their position that such modules are definite. Nonetheless, Claim 1 no longer includes "a first program module" and "a second program module." Accordingly, Applicants respectfully request that this rejection be withdrawn.

2.   Claim 2

As to Claim 2, the Examiner states that "it is unclear what the claimed third program module referred to?" Applicants have previously addressed the Examiner's arguments, and

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Applicants maintain their position that such module is definite. Nonetheless, Claim 2 no longer includes the third program module. Accordingly, Applicants respectfully request that this rejection be withdrawn.

3.   Claim 4

The Examiner further states that "it is not understood what is meant by 'the metadata further indicates the location information' [i.e., what is the claimed location information for?]" As previously stated, Applicants respectfully disagree with the Examiner's rejection. In particular, Applicants submit that Claim 4 clearly states that the location information indicates where the parity data blocks are stored. Claim 4, however, has been amended to indicate that the "location information may be later used to retrieve the parity blocks." Accordingly, Applicants respectfully request that the rejection be withdrawn.

4.   Claim 6

As to Claim 6, the Examiner states that "it is unclear what the association of the claimed 'a fifth storage module,' 'the first program module,' and 'the second program module' is [i.e., How the first program refers to the fifth storage module from the set of storage modules to store a copy of the first file portion in it?]." Applicants have previously addressed the Examiner's arguments, and Applicants maintain their position that such modules are definite. Nonetheless, Claim 6 no longer includes "a fifth storage module, "the first program module," or "the second program module." Accordingly, Applicants respectfully request that this rejection be withdrawn.

5.   Claim 7

As to Claim 7, the Examiner asks "what is the link between the claimed 'a third program module' and 'a third program module' as recited in claim 3 [i.e., Do they refer to the same module? Or different modules?]." As previously stated, Applicants respectfully submit that Claim 3 does not refer to a third program module. However, Claim 2 does refer to a third program module. Applicants respectfully remind the Examiner that Claim 7 does not depend from Claims 2 or 3. Rather, Claim 7 depends directly from Claim 1. Therefore, Claim 7 should not be read with respect to Claims 2 or 3. Furthermore, Applicants have previously addressed the Examiner's arguments, and Applicants maintain their position that such module is definite. Nonetheless, Claim 7 no longer includes "a third program module." Accordingly, Applicants respectfully request that this rejection be withdrawn.

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6.   Claims 3, 5, 6, 8-12 and 43

With respect to Claims 3, 5, 6, 8-12 and 43, the Examiner states that "these claims have the same defects as their base claim, hence are rejected for the same reason." Applicants respectfully submit that Claims 3, 5, 6, 8-12 and 43 are each patentable at least for the same reasons articulated above with respect to Claim 1. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 1-12 and 43 under 35 U.S.C. § 112, second paragraph.

D.   Discussion of Claim Rejections Under 35 U.S.C. § 102

The Office Action rejected Claims 1-2, 5-10 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,403,639, issued to Belsan et al. ("Belsan"). Applicants respectfully disagree with the Examiner's rejections and respectfully traverse this rejection because Belsan fails to identically teach every element of Claims 1-2, 5-10 and 43. *See* M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim). Moreover, Applicants respectfully submit that the claims as previously pending are patentably distinguished over Belsan. Claims 1-2, 5-10 and 43, however, have been amended in order to clarify the features of Applicants' inventions. These claim amendments are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Applicants therefore respectfully submit that Claims 1-2, 5-10 and 43 are patentably distinguished over the cited reference and Applicants respectfully request allowance of Claims 1-2, 5-10 and 43.

1.   Claim 1

Applicants have previously addressed the Examiner's arguments as to Claim 1, and Applicants maintain their position that the Examiner's arguments are not correct. Moreover, Applicants submit that Belsan does not teach or disclose: "a set of storage modules in communication with each other, the set including a first storage module including a processing module, a second storage module including a processing module, a third storage module including a processing module, and a fourth storage module including a processing module;" "a file stored on the distributed file storage system;" "a first file portion of the file comprising a first

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set of file data stored in the first storage module;" "a second file portion of the file comprising a second set of file data stored in the second storage module, wherein the second set of file data is different from the first set of file data;" "a first metadata related to the location of the file stored on the first storage module, the second storage module, the third storage module, and the fourth storage module;" "a second metadata related to the location of the file stored on at least one of the first storage module, the second storage module, the third storage module, and the fourth storage module;" "a switch module in communication with the set of storage modules, the switch module configured to receive a read request for the file stored on the distributed file storage system and to send the read request to any one of the set of storage modules;" and "each of the set of storage modules capable of using the first metadata to respond to and implement the read request on behalf of the distributed file storage system."

Thus, Applicants respectfully submit that Claim 1 is patentably distinguished over the cited reference. Applicants respectfully request the Examiner to withdraw the rejection of Claim 1 under 35 U.S.C. § 102(b) and to pass Claim 1 to allowance.

2.   **Claims 2, 5-10, and 43**

Claims 2, 5-10, and 43 depend from Claim 1 and include all of the limitations of Claim 1. Applicants respectfully submit that Belsan fails to teach or suggest every element of Claims 2, 5-10, and 43. Thus, for at least the reasons discussed above with respect to Claim 1, Applicants respectfully submit that Claims 2, 5-10, and 43 are patentably distinguished over the cited reference. Applicants respectfully request the Examiner to withdraw the rejection of Claims 2, 5-10, and 43 under 35 U.S.C. § 102(b) and to pass Claims 2, 5-10, and 43 to allowance.

E.   **Discussion of Claim Rejections Under 35 U.S.C. § 103**

The Office Action rejected Claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over Belsan in view of U.S. Patent No. 6,502,174, issued to Beardsley et al. ("Beardsley"). The Office Action also rejected Claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Belsan and Beardsley, and further in view of U.S. Patent No. 5,884,098, issued to Mason, Jr. ("Mason").

Claims 3-4 and 11-12 are allowable, among other reasons, as depending, either directly or indirectly, from independent Claim 1, which is allowable for at least the reasons discussed above.

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Therefore, Applicants respectfully request the Examiner to withdraw the rejection of Claims 3-4 and 11-12 under 35 U.S.C. § 103(a) and to pass Claims 3-4 and 11-12 to allowance.

F.   **Conclusion**

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims and arguments in support of the patentability of the pending claims are presented above. In light of the above amendments and remarks, Applicants specifically request reconsideration and withdrawal of the outstanding rejections. Applicants respectfully request the Examiner to withdraw the rejection(s) of Claims 1-12, and 43 and to pass Claims 1-12, 43, and 59-61 to allowance. If the Examiner has any questions, Applicants invite the Examiner to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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